

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

SEAN PARSONS, :
 :
 Plaintiff, :
 : PRISONER
 V. : CASE NO. 3:03CV2061 (RNC)
 :
 DEPARTMENT OF CORRECTION :
 MAINTENANCE DEPARTMENT, ET AL., :
 :
 Defendants. :

RULING AND ORDER

Sean Parsons, a Connecticut inmate proceeding pro se, commenced this action against the Department of Correction's Maintenance Department pursuant to 28 U.S.C. § 1983, seeking damages for injuries he sustained in a fall at the Willard-Cybulski Correctional Institution. On March 15, 2004, Magistrate Judge Fitzsimmons ordered plaintiff to file an amended complaint naming the appropriate prison officials and showing that he had exhausted his administrative remedies before filing suit. Plaintiff filed an amended complaint stating that he had not exhausted his administrative remedies before commencing this action.¹ For the reasons that follow, the case is dismissed.

¹ The amended complaint withdrew the claim against the Maintenance Department and named as defendants Willard's Recreation Director Dave Abrussi, Dr. Laplante, Deputy Warden, Warden and Head of Maintenance Department.

Under the Prison Litigation Reform Act, 42 U.S.C. § 1997e(a), no action may be brought in federal court by a state prisoner with respect to prison conditions until after available administrative remedies have been exhausted. Complete exhaustion of administrative remedies is required regardless of whether the inmate may obtain through the administrative process the specific relief he seeks. See Booth v. Churner, 532 U.S. 731, 740-41 (2001).

Plaintiff's complaint alleges that he injured his ankle and wrist when he stepped into a hole in a floor. He further asserts that defendant Dave Abruzzi, Willard's recreation director, had filed a work order to fix the hole with the maintenance department two months before the accident, but defendants failed to follow up.

The Connecticut Department of Correction ("DOC") has instituted a grievance procedure that provides an administrative remedy for plaintiff's claim. Pursuant to DOC's Administrative Directives, the grievance process must be used for: "Any . . . matter relating to access to privileges, programs and services, conditions of care or supervision and living unit conditions within the authority of the Department of Correction . . . " and "[a]ny and all other complaints of any nature concerning prison life." DOC Administrative Directive Ch. 9.6, § 6(A)(5) and (7). Therefore, plaintiff was required to fully exhaust the grievance process before he filed this action. Because plaintiff was given notice of this deficiency and an

opportunity to show that he had exhausted his remedies, dismissal on this basis is proper. See Snider v. Melindez, 199 F.3d 108, 112 (2d Cir. 1999).

Accordingly, the complaint is hereby dismissed. The Clerk may close the file.

So Ordered.

Dated at Hartford, Connecticut, this 24th day of May 2004.

Robert N. Chatigny
United States District Judge